



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,607	03/11/2004	Manfred Adolfs	040014	6195
9961	7590	11/07/2005	EXAMINER	
PAUL A. BECK & ASSOCIATES SUITE 100 1575 McFARLAND ROAD PITTSBURGH, PA 15216-1808			RAEVIS, ROBERT R	
			ART UNIT	PAPER NUMBER
			2856	

DATE MAILED: 11/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/798,607

Applicant(s)

ADOLFS ET AL.

Examiner

Robert R. Raevis

Art Unit

2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 5, 6 and 8-14 is/are allowed.
- 6) ☒ Claim(s) 4, 7 and 15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/600,825.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/27/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

DETAILED ACTION

Claims 4,7,15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 4, what edge has a radius "of at least one millimeter"? Note that if the radius of the openings 8,9 is "at least half a millimeter" (p. 13, line 35), then the radius of the chamber is more than one millimeter at least by $\frac{1}{2}$ the diameter of the ceiling 16.

As to claim 7, the cross-section of the inlet 8 is smaller, not larger, than the cross-section of the outlet opening 9 in Figure 4? Which is correct, the figure or the claim? (If the claim, please correct the relative sizes of openings 8, 9 in Figure 4.

As to claim 15, where does the "housing" (line 4) end, and the other elements begin? Note that the specification states (p. 12, lines 16-17) that the hooks 12 (i.e. coupling device of claim 13) are part of the housing. Also, even the "measuring chamber 7 is formed in a housing" (p. 11, lines 36-37), suggestive that the "a housing" (claim 15) was at least inferentially claimed in base claim 1. In addition, is the "a housing" (line 4) the same as the "a housing" (of line 4 of claim 1)? Is the same housing claimed twice? (Double Inclusion)

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Madsen et al teach (Figure 1) a connecting element for a transducer, including: membrane 5; measuring chamber 8, inlet and outlets 3, and a *flat* surface ceiling that is visible between the inlet and outlets. However, the element does not provide for a

Art Unit: 2856

ceiling that is “drawn-in in a central area of the measuring chamber, so that an annular-channel-shaped part of the measuring chamber with a greater distance between the membrane and the ceiling and a central area of the measuring chamber with a smaller distance between the ceiling and the membrane are obtained” as called for in lines 10-14 of Applicant’s claim 1, and which of course corresponds to the curved ceiling 16 of Applicant’s Figure 1. Madsen’s ceiling is flat.

Pace et al teach (Figure 2) a connecting element for a transducer. However, the element does not provide for a ceiling that is “drawn-in in a central area of the measuring chamber, so that an annular-channel-shaped part of the measuring chamber with a greater distance between the membrane and the ceiling and a central area of the measuring chamber with a smaller distance between the ceiling and the membrane are obtained” as called for in lines 10-14 of Applicant’s claim 1. Pace’s ceiling 71 is merely sloped, and there is no annular channel.

All references cited in the parent application were considered. The above two references are cited as they are considered to be the most relevant.

As to claim 1, note was made of the combination of the limitation “the ceiling is drawn-in in a central area of the measuring chamber, so that an annular-channel-shaped part of the measuring chamber with a greater distance between the membrane and the ceiling and a central area of the measuring chamber with a smaller distance between the ceiling and the membrane are obtained” (lines 10-14) with remaining claim limitations. Note was made of the benefit cited on p. 6, lines 27+, and continuing on to p. 7, line 18, the benefit intimately related to the quoted limitation above.

Art Unit: 2856

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert R. Raevis whose telephone number is 571-272-2204. The examiner can normally be reached on Monday to Friday from 7am to 4pm. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert R. Raevis

RAEVIS